

## SECTION 2.6: AMERICANS WITH DISABILITIES ACT (ADA)

- A. The Americans with Disabilities Act (ADA) requires employers to reasonably accommodate qualified individuals with disabilities. And, it is Hamilton County's policy to comply with all Federal and state laws concerning the employment of persons with disabilities.
- B. Hamilton County will not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training, or other terms, conditions, and privileges of employment.
- C. Hamilton County will reasonably accommodate qualified individuals with a temporary or long-term disability so that they can perform the essential functions of a position.
- D. An individual who can be reasonably accommodated for a position, without undue hardship, will be given the same consideration for that position as any other applicant.
- E. All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of themselves or other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of other individuals in the workplace will be placed on appropriate leave until an organizational decision has been made in regard to the employee's employment situation.
- F. The Human Resources Department is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.
- G. As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to this ADA policy:
  - 1. "disability" means a physical or mental impairment that substantially limits one or more major life activity of an individual; this includes an individual who has such impairment, has a record of such impairment, or is regarded as having such impairment.
  - 2. "direct threat to safety" means a significant risk of substantial harm to the health or safety of that employee or others which cannot be eliminated or reduced by reasonable accommodation.
  - 3. "qualified individual with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the

essential functions of the employment position that the individual holds or for which the individual has applied.

4. “reasonable accommodation” means, in general, any change in the work environment or in the way things are customarily done that enables an individual with a disability to enjoy equal employment opportunities.
5. “undue hardship” means an action requiring significant difficulty or expense by the employer considering such factors including, but not limited to, as 1) the nature and cost of the accommodation; 2) the overall financial resources of the facility at which the reasonable accommodation is to be made; 3) the number of persons employed at the facility; 4) the effect on expenses and resources or other impact on that facility; 5) the overall financial resources of the employer; 6) the overall number of employees and facilities; 7) the operations of the particular facility as well as the entire County employer; and 8) the relationship of the particular facility to the rest of the County.
6. “essential functions” means those activities of a job that are core to performing the duties of that position and for which the job exists that cannot be modified.